

HOUSE BILL No. 1357

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-8-1; IC 6-6-5-8; IC 9-13-2-47.5; IC 9-14-3.5-5; IC 9-21; IC 9-24; IC 9-25; IC 9-29; IC 9-30; IC 14-15; IC 14-22-17-1; IC 20-33-2-11; IC 31-9-2-42.5; IC 31-37-19; IC 35-43-1-2; IC 35-48-4-15.

Synopsis: Driver's certificates. Requires the bureau of motor vehicles (bureau) to issue a driver's certificate to an individual who: (1) is otherwise qualified to drive a motor vehicle; but (2) cannot provide proof of residency status in the United States. Establishes procedures for issuance of the driver's certificate. Authorizes an individual to include the individual's federal tax identification number or a distinctive number issued by the bureau in place of a Social Security number for certain bureau transactions. Makes conforming amendments. Makes technical corrections.

Effective: Upon passage; July 1, 2006.

Aguilera

January 12, 2006, read first time and referred to Committee on Public Safety and Homeland Security.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1357

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.246-2005,
2 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1. (a) No individual may be compelled by any
4 state agency, board, commission, department, bureau, or other entity of
5 state government (referred to as "state agency" in this chapter) to
6 provide the individual's Social Security number to the state agency
7 against the individual's will, absent federal requirements to the
8 contrary. However, the provisions of this chapter do not apply to the
9 following:
10 (1) Department of state revenue.
11 (2) Department of workforce development.
12 (3) The programs administered by:
13 (A) the division of family and children;
14 (B) the division of mental health and addiction;
15 (C) the division of disability, aging, and rehabilitative services;
16 and
17 (D) the office of Medicaid policy and planning;



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of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

~~(10) Health professions bureau.~~

~~(11)~~ (10) Indiana professional licensing agency.

~~(12)~~ (11) Department of insurance, with respect to licensing of insurance producers.

~~(13)~~ (12) A pension fund administered by the board of trustees of the public employees' retirement fund.

~~(14)~~ (13) The Indiana state teachers' retirement fund.

~~(15)~~ (14) The state police benefit system.

~~(16)~~ (15) The alcohol and tobacco commission.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number **or federal tax identification number** in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number **or federal tax identification number** on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

If the individual has not been issued a Social Security number or federal tax identification number, the bureau of motor vehicles shall accept a verified statement to that effect from the individual and shall issue a distinctive number to the individual for purposes of titling or registering a vehicle.

(c) The Indiana department of administration, the Indiana department of transportation, ~~the health professions bureau~~, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender

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to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 2. IC 6-6-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The bureau shall include on all registration forms suitable spaces for the applicant's Social Security number, ~~or~~ federal tax identification number, **or another distinctive number to be assigned by the bureau**, the amount of the registration fee, the amount of excise tax, the amount of credit, if any, as provided in section 5 of this chapter, and the total amount of payment due on account of the applicable registration fees and excise taxes upon the registration of the vehicle. The forms shall also include spaces for showing the county, city or town, ~~and~~ township, and address of the place where the owner resides.

(b) The bureau shall list on all registration forms for vehicles prepared by it the amount of registration fees and taxes due. In addition, the bureau shall prepare by December 1 of each year a schedule showing the excise tax payable on each make and model of vehicle.

SECTION 3. IC 9-13-2-47.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 47.5. "Driver's certificate" means a driver's license to operate a motor vehicle as provided in IC 9-24-3.5.**

SECTION 4. IC 9-14-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. As used in this

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chapter, "personal information" means information that identifies a person, including an individual's:

- (1) photograph or computerized image;
- (2) Social Security number;
- (3) driver's license or identification document number;
- (4) name;
- (5) address (but not the 5-digit zip code);
- (6) telephone number; or
- (7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and ~~operator's~~ **driver's** license or registration status.

SECTION 5. IC 9-21-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. A motorized bicycle may not be operated under any of the following conditions:

- (1) By a person less than fifteen (15) years of age.
- (2) By a person who has not obtained an identification card under IC 9-24, a permit under IC 9-24, an operator's license under IC 9-24, **a driver's certificate under IC 9-24**, a chauffeur's license under IC 9-24, or a public passenger chauffeur's license under IC 9-24.
- (3) On an interstate highway or a sidewalk.
- (4) At a speed greater than twenty-five (25) miles per hour.

SECTION 6. IC 9-21-12-17, AS ADDED BY P.L.1-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus carrying a passenger shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:

- (1) listen through an open door;
- (2) look in both directions along the track for an approaching train; and
- (3) look for signals indicating the approach of a train.

The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.

(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.

(c) Upon conviction of a violation of this section, a driver shall have the driver's ~~operator's~~ license suspended for a period of not less than

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sixty (60) days in addition to the penalties provided by section 11 of this chapter.

SECTION 7. IC 9-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Except as provided in section 6 or 7 of this chapter, an individual must have a valid Indiana:

- (1) operator's license;
- (2) chauffeur's license;
- (3) public passenger chauffeur's license;
- (4) learner's permit;
- (5) commercial driver's license; ~~or~~
- (6) motorcycle operator's license or endorsement; **or**
- (7) driver's certificate;**

issued to the individual by the bureau under this article to drive upon an Indiana highway the type of motor vehicle for which the license or permit was issued.

SECTION 8. IC 9-24-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Except as provided in section 7 of this chapter, an individual must:

- (1) have a valid Indiana operator's, chauffeur's, or public passenger chauffeur's license **or a driver's certificate**; and
 - (2) be at least eighteen (18) years of age;
- to drive a medical services vehicle upon an Indiana highway.

SECTION 9. IC 9-24-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. An individual must have a valid driver's license that may be any of the following to operate a motorcycle upon a public highway:

- (1) An operator's, a chauffeur's, or a public passenger chauffeur's license **or a driver's certificate** with a motorcycle endorsement.
- (2) A temporary motorcycle learner's permit subject to the limitations imposed under IC 9-24-8.
- (3) A motorcycle learner's permit subject to the limitations imposed under IC 9-24-8.
- (4) A driver's license from any other jurisdiction that is valid for the operation of a motorcycle in that jurisdiction.

SECTION 10. IC 9-24-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) ~~An operator's~~ **A driver's** license or a learner's permit may not be issued to an individual who is under an order entered by a court under IC 35-43-1-2(d).

(b) The bureau shall suspend the ~~operator's~~ **driver's** license or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or

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1 IC 35-43-1-2(c).

2 SECTION 11. IC 9-24-2-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The bureau may
4 not issue a license or permit to the following individuals:

5 (1) An individual whose license issued under Indiana law to
6 operate a motor vehicle as an operator, a chauffeur, or a public
7 passenger chauffeur has been suspended, during the period for
8 which the license was suspended, or to an individual whose
9 license has been revoked, until the time the bureau is authorized
10 under Indiana law to issue the individual a new license.

11 (2) An individual whose learner's permit has been suspended or
12 revoked until the time the bureau is authorized under Indiana law
13 to issue the individual a new permit.

14 (3) An individual who, in the opinion of the bureau, is afflicted
15 with or suffering from a physical or mental disability or disease
16 that prevents the individual from exercising reasonable and
17 ordinary control over a motor vehicle while operating the vehicle
18 upon the public highways.

19 (4) An individual who is unable to understand highway warnings
20 or direction signs written in the English language.

21 (5) An individual who is required under this chapter to take an
22 examination unless the person successfully passes the
23 examination.

24 (6) An individual who is required under IC 9-25 to deposit proof
25 of financial responsibility and who has not deposited that proof.

26 (7) An individual when the bureau has good cause to believe that
27 the operation of a motor vehicle on a public highway of Indiana
28 by the individual would be inimical to public safety or welfare.

29 (8) An individual who is the subject of an order issued by:

30 (A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or
31 IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or

32 (B) the Title IV-D agency;

33 ordering that a driving license or permit not be issued to the
34 individual.

35 **(9) An individual whose residency status in the United States
36 is not determined, as set forth in IC 9-24-3.5-1(5).**

37 **(10) An individual whose driver's certificate has been
38 suspended, during the period for which the driver's certificate
39 was suspended, or to an individual whose driver's certificate
40 has been revoked, until the time the bureau is authorized
41 under Indiana law to issue the individual a new driver's
42 certificate.**

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(b) An individual subject to epileptic seizures may not be denied a license under this section if the individual presents a statement from a licensed physician that the individual is under medication and is free from seizures while under medication.

SECTION 12. IC 9-24-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3.5. Driver's Certificate

Sec. 1. Except as otherwise provided in this article, the bureau shall issue a driver's certificate to an individual who:

- (1) satisfies the age requirements described in section 3 of this chapter;
- (2) makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau;
- (3) satisfactorily passes the examination and tests required for issuance of a driver's certificate under IC 9-24-10;
- (4) pays the fee prescribed by IC 9-29-9; and
- (5) is unable to provide documentation from the United States government to the bureau that the applicant is a citizen of the United States or an alien lawfully admitted for residence in the United States.

Sec. 2. A driver's certificate issued under this article:

- (1) may be used only to show qualification for the operation of a motor vehicle; and
- (2) may not be used for federal identification purposes.

Sec. 3. An individual must meet one (1) of the following conditions to receive a driver's certificate:

- (1) The applicant:
 - (A) is at least sixteen (16) years and thirty (30) days of age;
 - (B) has held a valid learner's permit at least sixty (60) days; and
 - (C) has obtained an instructor's certification that the applicant has satisfactorily completed an approved driver education course.
- (2) The applicant:
 - (A) is at least sixteen (16) years and one hundred eighty (180) days of age;
 - (B) has held a valid learner's permit for at least sixty (60) days; and
 - (C) has passed the required examination.
- (3) The applicant:
 - (A) is at least sixteen (16) years and one hundred eighty

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(180) days of age;

(B) has previously been a nonresident of Indiana but who, at the time of application, qualifies as an Indiana resident;

(C) has held for at least one (1) year an unrevoked operator's, chauffeur's, or public passenger chauffeur's license in the state or jurisdiction in which the applicant has been a resident; and

(D) passes the required examination.

Sec. 4. To receive a driver's certificate, an individual must surrender to the bureau all current valid driver's licenses for the operation of a motor vehicle in the individual's possession issued to the individual by Indiana or another state. The bureau shall return all surrendered licenses to the issuing department together with information that the holder of the driver's certificate has a privilege to operate a motor vehicle in another state.

Sec. 5. The bureau shall adopt rules under IC 4-22-2 to carry out this chapter. The rules may not include the requirement that an individual must have been issued a Social Security number in order to apply for a driver's certificate.

Sec. 6. A person who violates this chapter commits a Class C infraction.

SECTION 13. IC 9-24-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. To receive a public passenger chauffeur's license, an individual must surrender to the bureau: ~~any~~

(1) an operator's license; or

(2) a driver's certificate;

issued to the individual.

SECTION 14. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.

(2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, stepparent, or relative of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license **or a driver's certificate.**

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(3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license **or a driver's certificate**.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license **or a driver's certificate**.

SECTION 15. IC 9-24-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. A holder of a learner's permit may take an examination for an operator's license **or a driver's certificate** not later than the expiration date of the learner's permit. Not more than three (3) examinations may be allowed any holder during the period the learner's permit is issued. A holder who does not pass the examination during the period for which the learner's permit is issued must obtain a new learner's permit and is not eligible to take the examination until two (2) months after the issuance of the new permit.

SECTION 16. IC 9-24-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The bureau shall develop and issue the following:

(1) A temporary motorcycle learner's permit.

(2) A motorcycle learner's permit.

(3) A motorcycle operator's:

(A) license; or ~~a~~

(B) license **endorsement or driver's certificate** endorsement.

(b) The bureau shall determine reasonable standards for a motorcycle operator's license, ~~or a license~~ **endorsement, or driver's certificate** endorsement for the operation of a motorcycle.

SECTION 17. IC 9-24-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The bureau shall issue a motorcycle learner's permit to an individual who meets the following conditions:

(1) The individual holds a valid operator's, chauffeur's, or public passenger chauffeur's license **or a driver's certificate** issued under this article.

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(2) The individual passes a written examination developed by the bureau concerning the safe operation of a motorcycle.

(b) A motorcycle learner's permit authorizes the permit's holder to operate a motorcycle upon a highway during a period of one (1) year under the following conditions:

(1) The holder wears a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.

(2) The motorcycle is operated only during daylight hours.

(3) The motorcycle does not carry passengers other than the operator.

SECTION 18. IC 9-24-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsections (c) and (d), the bureau shall:

(1) issue a motorcycle operator's license; or

(2) validate an operator's, a chauffeur's, or a public passenger chauffeur's license **or a driver's certificate** for motorcycle operation upon a highway by endorsement;

to a person who meets the conditions in subsection (b).

(b) A person must meet at least one (1) of the following conditions to obtain a license or validation under subsection (a):

(1) Satisfactorily complete an approved motorcycle driver education and training course and pass the written test required by this section.

(2) Satisfactorily complete the written test, hold a motorcycle learner's permit for at least thirty (30) days, and satisfactorily complete the operational test.

(3) Hold a current motorcycle operator endorsement or license from any other jurisdiction and successfully complete the written test.

(c) The bureau may not issue a motorcycle operator's license to an individual less than sixteen (16) years and thirty (30) days of age.

(d) If an applicant for a motorcycle license or license endorsement is less than eighteen (18) years of age, the bureau may not issue a license or validate a license described in subsection (a)(2) if the applicant is ineligible under IC 9-24-2-1.

(e) The bureau shall develop and implement both a written test and an operational skills test that must be designed to determine whether an applicant for a motorcycle operator's license or endorsement is competent to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations

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designated by the bureau. The operational skills test must be given by a certified motorcycle operational examiner. An individual applying for a motorcycle operator's license or endorsement must pass the operational skills test before taking the written exam. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning motorcycle operator licensing or endorsement.

(f) An individual who:

(1) has held a motorcycle learner's permit for at least two (2) months; or

(2) holds a temporary motorcycle learner's permit, has successfully completed an approved motorcycle driver education and training course, and possesses a valid operator's, chauffeur's, or public passenger chauffeur's license **or a driver's certificate**; may apply for a motorcycle operator's license endorsement not later than the expiration date of the holder's permit. However, not more than three (3) examinations may be allowed a holder during the period the permit is valid. A holder of a learner's permit or a temporary learner's permit who does not pass the written and operating skills examination during the period for which the permit is valid must obtain a new learner's permit.

SECTION 19. IC 9-24-9-2, AS AMENDED BY P.L.123-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Each application for a **driver's** license or permit under this chapter must require the following information:

(1) The name, date of birth, sex, Social Security number **except as provided in IC 9-24-3.5-5**, and mailing address and, if different from the mailing address, the residence address of the applicant. The applicant shall indicate to the bureau:

(A) which address the **driver's** license or permit shall contain; and

(B) whether the Social Security number or another distinguishing number shall be the distinctive identification number used on the **driver's** license or permit.

The bureau shall not require a Social Security number from an individual applying for a driver's certificate under IC 9-24-3.5-5.

(2) Whether the applicant has been licensed as an operator, a

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1 chauffeur, or a public passenger chauffeur or has been the holder
 2 of a learner's permit, and if so, when and by what state **or**
 3 **country**.

4 (3) Whether the applicant's license or permit has ever been
 5 suspended or revoked, and if so, the date of and the reason for the
 6 suspension or revocation.

7 (4) Whether the applicant has been convicted of a crime
 8 punishable as a felony under Indiana motor vehicle law or any
 9 other felony in the commission of which a motor vehicle was
 10 used.

11 (5) Whether the applicant has a physical or mental disability, and
 12 if so, the nature of the disability and other information the bureau
 13 directs.

14 The bureau shall maintain records of the information provided under
 15 subdivisions (1) through (5).

16 SECTION 20. IC 9-24-10-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The bureau may
 18 adopt rules under IC 4-22-2 necessary for the conduct of examinations
 19 for a learner's permit, an operator's license, **a driver's certificate**, a
 20 chauffeur's license, and a public passenger chauffeur's license in
 21 accordance with this chapter concerning the qualifications and ability
 22 of applicants to operate motor vehicles in accordance with the rights
 23 and privileges of those permits and licenses.

24 SECTION 21. IC 9-24-10-6 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The bureau, before
 26 issuing a license **or a driver's certificate** may examine or cause to be
 27 examined an applicant for an operator's, a chauffeur's, or a public
 28 passenger chauffeur's license **or a driver's certificate** and an applicant
 29 for a renewal of those licenses **or the driver's certificate** who has a
 30 bad driving record. The bureau may cause the examination to be made
 31 whenever it appears from:

32 (1) the face of the application;

33 (2) the apparent physical or mental condition of the applicant; or

34 (3) any information that has come to the attention of the bureau;
 35 that the applicant does not apparently possess the physical, mental, or
 36 other qualifications to operate a motor vehicle in a manner that does
 37 not jeopardize the safety of individuals or property.

38 SECTION 22. IC 9-24-11-3 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A **driver's**
 40 license issued to an individual less than eighteen (18) years of age is a
 41 probationary **driver's** license.

42 (b) An individual holds a probationary **driver's** license subject to

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the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary **driver's** license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary **driver's** license issued under this section may receive an operator's license, a **driver's certificate**, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) A probationary **driver's** license issued under this section:

(1) is valid for not more than four (4) years from the date the license is issued; and

(2) may not be renewed.

SECTION 23. IC 9-24-11-5, AS AMENDED BY P.L.123-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A permit or license issued under this chapter must bear the distinguishing number assigned to the permittee or licensee, and must contain:

(1) the name of the permittee or licensee;

(2) the date of birth of the permittee or licensee;

(3) the mailing address or residence address of the permittee or licensee;

(4) a brief description of the permittee or licensee;

(5) if the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age;

(6) if the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become

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1 twenty-one (21) years of age; ~~and~~

2 (7) except as provided in subsection (c), for the purpose of
3 identification, a:

4 (A) photograph; or

5 (B) computerized image;

6 of the permittee or licensee; **and**

7 **(8) the statement "Not to be used for federal identification**
8 **purposes" on the face of a driver's certificate;**

9 and additional information that the bureau considers necessary,
10 including a space for reproduction of the signature of the permittee or
11 licensee. If the permittee or licensee has not indicated to the bureau
12 under IC 9-24-9-2 that the Social Security number shall be the
13 distinguishing number to be used, the Social Security number may not
14 be shown on the permit or **driver's** license.

15 (b) In carrying out this section, the bureau shall obtain the
16 equipment necessary to provide the photographs and computerized
17 images for permits and **driver's** licenses as provided in subsection (a).

18 (c) The following permits or **driver's** licenses do not require a
19 photograph or computerized image:

20 (1) Temporary motorcycle learner's permit issued under
21 IC 9-24-8.

22 (2) Motorcycle learner's permit issued under IC 9-24-8.

23 (3) Operator's license reissued under IC 9-24-12-6.

24 (d) The bureau may provide for the omission of a photograph or
25 computerized image from any other **driver's** license or permit if there
26 is good cause for the omission.

27 (e) The information contained on the permit or **driver's** license as
28 required by subsection (a)(5) or (a)(6) for a permittee or licensee who
29 is less than twenty-one (21) years of age at the time of issuance shall be
30 printed perpendicular to the bottom edge of the permit or **driver's**
31 license.

32 (f) This subsection applies to a permit or **driver's** license issued
33 after June 30, 2006, and before July 1, 2011. At the request of the
34 permittee or licensee and if the permittee or licensee provides
35 documentation from a medical laboratory or a blood center (as defined
36 in IC 16-41-12-3), the bureau shall include the permittee's or licensee's
37 blood type, including the rhesus (Rh) factor with the information
38 required by subsection (a) on the permit or **driver's** license. The
39 permittee or licensee is responsible for the accuracy of the blood type
40 information submitted under this subsection.

41 SECTION 24. IC 9-24-11-8 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Except as

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provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.

(b) A person who:

(1) has been issued a permit or **driver's** license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and

(2) operates a motor vehicle in violation of the restriction; commits a Class C misdemeanor. The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of ~~an operator's~~ **a driver's** license.

(c) A person who causes serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the ~~operator's~~ **person's** restricted **permit or driver's** license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a Class D felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this subsection.

(d) A person who violates subsection (c) commits a separate offense for each person whose serious bodily injury or death is caused by the violation of subsection (c).

SECTION 25. IC 9-24-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies to an individual who has an existing medical condition that causes the individual to appear intoxicated.

(b) ~~An operator's~~ **A** permit or **driver's** license issued to an individual under this section must bear a distinctive color coding on the face of the ~~operator's~~ permit or **driver's** license.

(c) An individual who wishes to have ~~an operator's~~ **a** permit or **driver's** license issued under this section must provide a verified certificate from a physician licensed to practice in Indiana attesting to the individual's medical condition. The physician's certificate must be:

- (1) provided to the bureau at the time the individual applies for ~~an operator's~~ **a** permit or **a driver's** license under this section;
- (2) carried in any vehicle that the individual operates; and
- (3) renewed each time the individual's ~~operator's~~ **driver's** license or permit is renewed.

(d) The bureau shall adopt rules under IC 4-22-2 to carry out this section.

SECTION 26. IC 9-24-12-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. A driver's certificate:**

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1 **(1) expires on the birthday of the holder following the date of**
 2 **the certificate's first issuance; and**
 3 **(2) after the expiration of the certificate under subdivision (1),**
 4 **is valid for one (1) year, expiring on the birthday of the**
 5 **holder.**

6 SECTION 27. IC 9-24-12-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. **(a)** The application
 8 for renewal of:

- 9 (1) an operator's license;
 10 (2) a motorcycle operator's license;
 11 (3) a chauffeur's license;
 12 (4) a public passenger chauffeur's license; or
 13 (5) an identification card;

14 under this article may be filed not more than six (6) months before the
 15 expiration date of the license or identification card held by the
 16 applicant.

17 **(b) The application for renewal of a driver's certificate may not**
 18 **be filed more than one (1) month before the expiration date of the**
 19 **driver's certificate held by the applicant.**

20 SECTION 28. IC 9-24-12-5, AS AMENDED BY P.L.210-2005,
 21 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2006]: Sec. 5. An individual applying for renewal of an
 23 operator's, a motorcycle operator's, a chauffeur's, or a public passenger
 24 chauffeur's license **or a driver's certificate** must apply in person at a
 25 license branch and do the following:

- 26 (1) Pass an eyesight examination.
 27 (2) Pass a written examination if:
 28 (A) the applicant has at least six (6) active points on the
 29 applicant's driving record maintained by the bureau; or
 30 (B) the applicant holds a valid operator's license **or driver's**
 31 **certificate** but has not reached the applicant's twenty-first
 32 birthday.

33 SECTION 29. IC 9-24-12-7, AS AMENDED BY P.L.210-2005,
 34 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2006]: Sec. 7. (a) Except as provided in subsection (b) and
 36 section 10 of this chapter, a motorcycle operator's license issued after
 37 December 31, 1996, and before January 1, 2006, expires at midnight
 38 of the birthday of the holder that occurs four (4) years following the
 39 date of issuance.

40 (b) Except as provided in section 10 of this chapter, a motorcycle
 41 operator's license issued after December 31, 1996, to an applicant who
 42 is at least seventy-five (75) years of age expires at midnight of the

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birthday of the holder that occurs three (3) years following the date of issuance.

(c) After December 31, 2005, except as provided in subsection (b), a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A motorcycle operator endorsement remains in effect for the same term as the **driver's** license being endorsed and is subject to renewal at and after the expiration of the **driver's** license in accordance with this chapter.

(e) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance.

SECTION 30. IC 9-24-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to the following:

(1) A suspension of a ~~driving~~ **driver's** license upon the failure of an individual to file security or proof of financial responsibility following an accident as required by or upon the failure of any individual to satisfy a judgment for damages arising out of the use of a motor vehicle on a public highway as provided for in IC 9-25.

(2) When suspension is by reason of:

(A) physical, mental, or emotional instability;

(B) having caused serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted driver's license; or

(C) the applicant has been convicted of involuntary manslaughter or reckless homicide as a result of an automobile accident.

(3) A suspension of the **driver's** license of an applicant whose **driver's** license has been previously suspended.

(4) A suspension of the **driver's** license of an applicant who has failed to use timely appeal procedures provided by the bureau.

(5) After June 30, 2005, a suspension of the license of an applicant whose commercial driver's license has been disqualified under 49 CFR 383.51 or other applicable federal or state law, including an alcohol or a controlled substance conviction under IC 9-30-5-4 or 49 CFR 391.15.

(b) A court may grant a petition for a restricted driving permit from an individual who:

(1) received a request for evidence of financial responsibility

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1 after:

2 (A) an accident under IC 9-25-5-2; or

3 (B) a conviction of a motor vehicle violation under
4 IC 9-25-9-1; and

5 (2) failed to provide proof of financial responsibility under
6 IC 9-25-6;

7 if the individual shows by a preponderance of the evidence that the
8 failure to maintain financial responsibility was inadvertent.

9 SECTION 31. IC 9-25-3-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Whenever the proof
11 of financial responsibility filed by a person under this article no longer
12 fulfills the purpose for which the proof was required, the bureau shall
13 require other proof of financial responsibility under this article and
14 shall suspend the operator's or chauffeur's license **or driver's**
15 **certificate** and vehicle registration of the person for whom other proof
16 of financial responsibility is required.

17 SECTION 32. IC 9-25-6-12 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Whenever a
19 certificate is filed showing that a policy has been issued covering all
20 motor vehicles owned by an insured but not insuring the person when
21 operating a motor vehicle not owned by the person, it is unlawful for
22 the person to operate a motor vehicle not owned by the person or not
23 covered by the certificate. The bureau shall designate the restriction
24 under this subsection upon the operator's or chauffeur's license **or**
25 **driver's certificate** of the person.

26 (b) If a person who owns a motor vehicle desires to be relieved of
27 the restriction under subsection (a) and be permitted to drive another
28 motor vehicle, the person who owns the motor vehicle may have the
29 restriction removed upon filing a certificate showing that an operator's
30 policy of liability insurance has been issued to the person.

31 SECTION 33. IC 9-25-6-17 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. If the bureau
33 determines that a person who is required to give proof of financial
34 responsibility in the future under this article because of a conviction,
35 non-satisfaction of a judgment, or for any other reason is or becomes:

36 (1) a chauffeur or motor vehicle operator, however designated, in
37 the employ of a person who owns a motor vehicle; or

38 (2) a member of the immediate family or household of a person
39 who owns a motor vehicle; and

40 the period for which the person's suspension or revocation has elapsed,
41 the bureau may accept proof of future financial responsibility given by
42 the person who owns the motor vehicle instead of requiring proof from

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the person under a suspension or revocation if it appears that the proof offered will be sufficient to cover any number of persons coming within this classification. The bureau may designate the restrictions imposed by this section on the face of the operator's or chauffeur's license **or driver's certificate** of the person who has been under suspension or revocation.

SECTION 34. IC 9-25-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The bureau shall, upon request, cancel a bond or return a certificate of insurance, direct the treasurer of state to return to the person entitled any money or securities deposited under this article as proof of financial responsibility, or waive the requirement of filing proof of financial responsibility in any of the following circumstances:

(1) At any time after three (3) years from the date the proof was required, if during the three (3) year period preceding the request the person furnishing the proof has not been convicted of an offense referred to in IC 9-30-4-6.

(2) If the person on whose behalf the proof was filed dies or the person becomes permanently incapable of operating a motor vehicle.

(3) If the person who has given proof of financial responsibility surrenders the person's:

(A) operator's ~~or~~ license;

(B) chauffeur's license; **or**

(C) **driver's certificate**;

registration certificates, and registration plates to the bureau. The bureau may not release the proof if an action for damages upon a liability referred to in this article is pending, a judgment upon a liability is outstanding and unsatisfied, or the bureau has received notice that the person has, within the period of three (3) months immediately preceding, been involved as a driver in a motor vehicle accident. An affidavit of the applicant of the nonexistence of the facts referred to in this subdivision is sufficient evidence of the nonexistence of the facts in the absence of evidence to the contrary in the records of the department.

(b) Whenever a person to whom proof has been surrendered under subsection (a)(3) applies for:

(1) an operator's ~~or~~ license;

(2) **a** chauffeur's license;

(3) **a driver's certificate**; **or**

(4) the registration of a motor vehicle;

within a period of three (3) years from the date the proof of financial

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responsibility was originally required, the bureau shall reject the application unless the applicant reestablishes the proof for the remainder of the period.

SECTION 35. IC 9-25-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) This section does not apply to a person who is a resident of Indiana or who operates a vehicle in Indiana.

(b) A person:

(1) whose ~~operator's~~ **driver's** license or registration was suspended and who is required to prove financial responsibility extending into the future in order to have the person's driving privileges reinstated; and

(2) who no longer operates a vehicle in Indiana and has become a resident of another state or foreign jurisdiction;

is not required to prove financial responsibility into the future in order to have the person's license or registration temporarily reinstated to allow licensing or registration in the other state or foreign jurisdiction.

SECTION 36. IC 9-29-3-8, AS AMENDED BY P.L.210-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) ~~The service charge for each of the first two thousand (2,000) operator's licenses, including motorcycle operator's licenses, issued at a license branch each year is two dollars (\$2). This subsection expires December 31, 2005.~~

(b) ~~The service charge for each additional operator's license or motorcycle operator's license issued at that license branch each year is one dollar and fifty cents (\$1.50). This subsection expires December 31, 2005.~~

(c) (a) Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(d) ~~After December 31, 2005,~~ (b) The service charge for an operator's license, **driver's certificate, or motorcycle operator's license** is three dollars (\$3).

SECTION 37. IC 9-29-3-10, AS AMENDED BY P.L.210-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) ~~The service charge for each temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license is one dollar and fifty cents (\$1.50). This subsection expires December 31, 2005.~~

(b) Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

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(c) ~~After December 31, 2005,~~ The service charge for a temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license **or a driver's certificate** issued to or renewed for an individual who is at least seventy-five (75) years of age is one dollar and fifty cents (\$1.50). ~~After December 31, 2005,~~ The service charge for a motorcycle endorsement of an operator's license **or driver's certificate** issued to or renewed for an individual less than seventy-five (75) years of age is two dollars and twenty-five cents (\$2.25).

SECTION 38. IC 9-29-9-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. (a) The fee for a driver's certificate issued under IC 9-24-3.5 is six dollars (\$6).**

(b) The applicant for a driver's certificate or renewal of a driver's certificate is subject to a service charge under IC 9-29-3-19 that is imposed upon an applicant for an operator's license.

SECTION 39. IC 9-29-9-7, AS AMENDED BY P.L.210-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 7. (a) The fee for a motorcycle operator endorsement of an operator's license is three dollars (\$3). This subsection expires December 31, 2005.**

~~(b) After December 31, 2005,~~ The fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of ~~an~~ **operator's a driver's** license issued to an individual who is:

- (1) at least seventy-five (75) years of age is three dollars (\$3); and
- (2) less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).

SECTION 40. IC 9-30-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14. (a) As used in this section, "moving traffic offense" means a violation of a statute, an ordinance, or a rule relating to the operation or use of motor vehicles while the motor vehicle is in motion.**

(b) If a court convicts a person for a moving traffic offense and the person is known or believed by the court not to be the owner of the motor vehicle, the court shall, within seven (7) days after entering the conviction, deposit with the United States Postal Service, first class postage prepaid, notice addressed to the owner of the motor vehicle giving the owner the following information:

- (1) The name and address of the person convicted.
- (2) The name and address of the owner of the motor vehicle.
- (3) The offense upon which the conviction was made.
- (4) The date of arrest of the person convicted and the location of

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the place of the offense.

(5) The license plate number of the motor vehicle.

(6) The:

(A) operator's or chauffeur's license; **or**

(B) **driver's certificate**;

number of the person convicted.

(7) The date of the conviction and the name of the court making the conviction.

SECTION 41. IC 9-30-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A person whose:

(1) operator's or chauffeur's license;

(2) **driver's certificate**; or

~~(2)~~ (3) certificate of registration or license plate;

has been suspended and has not been reinstated shall immediately return the license, **driver's certificate**, certificate of registration, and license plate to the bureau. A person who knowingly fails to comply with this requirement commits a Class C misdemeanor.

(b) The bureau may:

(1) take possession of a license, **driver's certificate**, certificate of registration, or license plate upon the suspension; or

(2) direct a law enforcement officer to take possession and return the license, **driver's certificate**, certificate of registration, or license plate to the office of the bureau.

(c) All law enforcement officers are authorized as agents of the bureau to seize the license, **driver's certificate**, certificate of registration, and license plate of a person who fails to surrender the license, certificate, or license plate. A law enforcement officer shall notify the bureau of the seizure.

SECTION 42. IC 14-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The operator of a boat involved in an accident or a collision resulting in injury to or death of a person or damage to a boat or other property shall do the following:

(1) Stop the boat immediately and as close as possible to the scene of the accident.

(2) Return to the scene of the accident and remain there until the operator has complied with this section.

(3) Give:

(A) the operator's name and address;

(B) a full identification of the boat operated; and

(C) the name and address of the owner;

to the operator of each other boat and each person injured.

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(4) Upon request, exhibit the ~~operator's~~ **driver's** license to the operator of each other boat and each person injured.

(5) Provide reasonable assistance to each person injured, including carrying or arranging for carrying each injured person to a physician, surgeon, or hospital for medical or surgical treatment if:

(A) it is apparent that treatment is necessary; or

(B) the injured person so requests.

SECTION 43. IC 14-15-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "Indiana driver's license" means:

(1) an operator's license;

(2) a chauffeur's license; ~~or~~

(3) a public passenger chauffeur's license; **or**

(4) a driver's certificate;

that is issued to an individual by the bureau of motor vehicles under IC 9-24-3.

SECTION 44. IC 14-15-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The bureau of motor vehicles and the natural resources commission established by IC 14-10-1-1 shall adopt rules under IC 4-22-2 to administer this chapter.

(b) The bureau of motor vehicles shall adopt rules concerning the following matters:

(1) The suspension of a motorboat operator's **driver's** license under section 14 of this chapter.

(2) The assessment of points under section 17 of this chapter against a person who commits a misdemeanor by operating a motorboat.

(c) The natural resources commission shall adopt rules concerning the following matters:

(1) The duties of the department under this chapter.

(2) The information that a boating education course must offer in order to be approved by the department for purposes of this chapter.

SECTION 45. IC 14-22-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "resident" means a person who:

(1) has continuously resided in Indiana for at least three hundred sixty-five (365) consecutive days immediately before applying for a license under this chapter; and

(2) possesses:

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- 1 (A) an Indiana motor vehicle ~~operator's~~ **driver's** license; or
 2 (B) an identification card;
 3 issued by the bureau of motor vehicles.

4 SECTION 46. IC 20-33-2-11, AS ADDED BY P.L.242-2005,
 5 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2006]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the
 7 minimum requirements for qualifying for the issuance of ~~an operator's~~
 8 **a driver's license (as defined in IC 9-13-2-48)** or a learner's permit,
 9 and subject to subsections (c) through (e), an individual who is:

- 10 (1) at least thirteen (13) years of age but less than fifteen (15)
 11 years of age;
 12 (2) a habitual truant under the definition of habitual truant
 13 established under subsection (b); and
 14 (3) identified in the information submitted to the bureau of motor
 15 vehicles under subsection (f);

16 may not be issued ~~an operator's~~ **a driver's** license or a learner's permit
 17 to drive a motor vehicle under IC 9-24 until the individual is at least
 18 eighteen (18) years of age.

19 (b) Each governing body shall establish and include as part of the
 20 written copy of its discipline rules described in IC 20-33-8-12:

- 21 (1) a definition of a child who is designated as a habitual truant,
 22 which must, at a minimum, define the term as a student who is
 23 chronically absent, by having unexcused absences from school for
 24 more than ten (10) days of school in one (1) school year;
 25 (2) the procedures under which subsection (a) will be
 26 administered; and
 27 (3) all other pertinent matters related to this action.

28 (c) An individual described in subsection (a) is entitled to the
 29 procedure described in IC 20-33-8-19.

30 (d) An individual described in subsection (a) who is at least thirteen
 31 (13) years of age and less than eighteen (18) years of age is entitled to
 32 a periodic review of the individual's attendance record in school to
 33 determine whether the prohibition described in subsection (a) shall
 34 continue. The periodic reviews may not be conducted less than one (1)
 35 time each school year.

36 (e) Upon review, the governing body may determine that the
 37 individual's attendance record has improved to the degree that the
 38 individual may become eligible to be issued ~~an operator's~~ **a driver's**
 39 license or a learner's permit.

40 (f) Before:

- 41 (1) February 1; and
 42 (2) October 1;

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of each year the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued ~~an operator's~~ **a driver's** license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

SECTION 47. IC 31-9-2-42.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 42.5 "Driver's license", for purposes of IC 31-37-19, has the meaning set forth in IC 9-13-2-48.**

SECTION 48. IC 31-37-19-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) dealing in:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a counterfeit substance (as defined in IC 35-48-1-10);

(2) possessing:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a prescription drug (as defined in IC 35-48-1-25);

for which the child does not have a prescription; or

(3) conspiring to commit an act described in subdivision (1) or

(2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's ~~operator's~~ **driver's** license or permit for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit.

SECTION 49. IC 31-37-19-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section applies if:

(1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal); or

(2) the delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1),

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IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal) was committed:

(A) on school property;

(B) within one thousand (1,000) feet of school property; or

(C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's ~~operator's~~ **driver's** license for a period specified by the court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit.

SECTION 50. IC 31-37-19-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be criminal mischief or institutional criminal mischief under IC 35-43-1-2 that involves the use of graffiti.

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

(1) suspend the child's ~~operator's~~ **driver's** license; or

(2) invalidate the child's learner's permit;

for one (1) year beginning the date of the order.

SECTION 51. IC 31-37-19-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17.2. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be a theft or criminal conversion described in IC 35-43-4-8 (fuel theft).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

(1) suspend the child's ~~operator's~~ **driver's** license; or

(2) invalidate the child's learner's permit;

under IC 9-25-6-21 in the same manner as the bureau of motor vehicles is required to suspend the driving privileges of a person convicted of fuel theft.

SECTION 52. IC 31-37-19-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) This section applies if the juvenile court has entered an order for suspension or invalidation of ~~an operator's~~ **a driver's** license or a learner's permit under section 17 of this chapter (or IC 31-6-4-15.9(f) before its repeal).

(b) Following a determination by the juvenile court that the child

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has removed or painted over the graffiti or has made other suitable restitution, the court may:

- (1) rescind the order for suspension or invalidation; and
- (2) allow the child to receive a license or permit before the period of suspension or invalidation ends.

SECTION 53. IC 35-43-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who:

- (1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or
- (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

- (i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);
- (ii) the property damaged was a moving motor vehicle;
- (iii) the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) and the person is not a sex offender or was not required to register as a sex offender;
- (iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;
- (v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;
- (vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or
- (vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

- (i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);
- (ii) the damage causes a substantial interruption or

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- 1 impairment of utility service rendered to the public;
 2 (iii) the damage is to a public record;
 3 (iv) the property damaged or defaced was a copy of the sex
 4 and violent offender directory (IC 5-2-6-3) and the person is
 5 a sex offender or was required to register as a sex offender;
 6 (v) the damage causes substantial interruption or impairment
 7 of work conducted in a scientific research facility;
 8 (vi) the damage is to a law enforcement animal (as defined
 9 in IC 35-46-3-4.5); or
 10 (vii) the damage causes substantial interruption or
 11 impairment of work conducted in a food processing facility.
 12 (b) A person who recklessly, knowingly, or intentionally damages:
 13 (1) a structure used for religious worship;
 14 (2) a school or community center;
 15 (3) the grounds:
 16 (A) adjacent to; and
 17 (B) owned or rented in common with;
 18 a structure or facility identified in subdivision (1) or (2); or
 19 (4) personal property contained in a structure or located at a
 20 facility identified in subdivision (1) or (2);
 21 without the consent of the owner, possessor, or occupant of the
 22 property that is damaged, commits institutional criminal mischief, a
 23 Class A misdemeanor. However, the offense is a Class D felony if the
 24 pecuniary loss is at least two hundred fifty dollars (\$250) but less than
 25 two thousand five hundred dollars (\$2,500), and a Class C felony if the
 26 pecuniary loss is at least two thousand five hundred dollars (\$2,500).
 27 (c) If a person is convicted of an offense under this section that
 28 involves the use of graffiti, the court may, in addition to any other
 29 penalty, order that the person's ~~operator's~~ **driver's** license (as defined
 30 in IC 9-13-2-48) be suspended or invalidated by the bureau of motor
 31 vehicles for not more than one (1) year.
 32 (d) The court may rescind an order for suspension or invalidation
 33 under subsection (c) and allow the person to receive a **driver's** license
 34 or permit before the period of suspension or invalidation ends if the
 35 court determines that:
 36 (1) the person has removed or painted over the graffiti or has
 37 made other suitable restitution; and
 38 (2) the person who owns the property damaged or defaced by the
 39 criminal mischief or institutional criminal mischief is satisfied
 40 with the removal, painting, or other restitution performed by the
 41 person.
 42 SECTION 54. IC 35-48-4-15 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) If a person is convicted of an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, or conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court shall, in addition to any other order the court enters, order that the person's:

- (1) ~~operator's~~ **driver's** license be suspended;
- (2) existing motor vehicle registrations be suspended; and
- (3) ability to register motor vehicles be suspended;

by the bureau of motor vehicles for a period specified by the court of at least six (6) months but not more than two (2) years.

(b) If a person is convicted of an offense described in subsection (a) and the person does not hold ~~an operator's~~ **a driver's** license or a learner's permit, the court shall order that the person may not receive ~~an operator's~~ **a driver's** license or a learner's permit from the bureau of motor vehicles for a period of not less than six (6) months.

SECTION 55. [EFFECTIVE JULY 1, 2006] **(a) Notwithstanding IC 9-24-3.5-5, as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon the bureau of motor vehicles under IC 9-24-3.5-5, as added by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.**

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 9-24-3.5-5, as added by this act.

(2) December 31, 2007.

SECTION 56. **An emergency is declared for this act.**

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